D.B. CIVIL SPECIAL APPEAL(W)NO.1178/2006

Sarwan Lal and Ors.
Vs.
State of Rajasthan and Ors.

DATE OF ORDER :: 14-02-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Dr. P.C. Jain, for the appellant.

The dispute involved in the writ petition giving rise to this appeal relates to cancellation of mutation in respect of land. The land stood mutated in favour of the appellants. The appellants' claim on the basis of purchase under a registered sale-deed. The question however is whether the land belonged to the vendors or it belongs to the deities. That involves disputed questions of fact. In that view of the matter, after hearing the counsel, we are not inclined to go into the question whether the mutation could be cancelled on the basis of circulars and executive instructions – as argued by the counsel. It is open to the appellants to institute proceedings in the competent court and obtain declaration about their rights vis-a-vis the land in question.

With this observation, the appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen